

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLARA MCCONVILLE,

Plaintiff,

v.

ANDREW SAUL,

Defendant.<sup>1</sup>

Case No. 17-cv-06303-HSG

**ORDER TO SHOW CAUSE**

Plaintiff filed this Social Security review action on October 31, 2017. Dkt. No. 1. Since the filing of this action, the Court has not received any further communications from Plaintiff. Plaintiff did not file her motion for summary judgment by the specified deadline and did not respond to the Court's multiple orders directing her to file a consent or declination to proceed before a magistrate judge. *See* Dkt. Nos. 10, 11.

Federal Rule of Civil Procedure 41(b) provides that where a "plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." A defendant need not file a motion in order for a district court to dismiss a case under Rule 41(b), given the Supreme Court's statement that "[t]he authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs[.]" *See Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962).

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** why this case should not be dismissed without prejudice for failure to prosecute. Plaintiff shall file a statement of no more

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<sup>1</sup> Under Federal Rule of Civil Procedure 25(d), the Court substitutes Andrew Saul, current Commissioner of Social Security, for Nancy A. Berryhill.

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than two pages by September 24, 2019.

**IT IS SO ORDERED.**

Dated: 9/11/2019

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge